

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:18-cv-00652

Jonathan Dewayne Stephen, Jr.,
Plaintiff,

v.

**Palestine Police Department, Aston Rodriguez, and Two
Unknown Officers,**
Defendants.

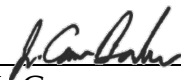
Before BARKER, *District Judge*

ORDER

Plaintiff brought this suit under 42 U.S.C. § 1983, alleging that defendants engaged in racial profiling and used excessive force when they arrested him for public intoxication. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Defendants moved for summary judgment and to dismiss all claims against Palestine Police Department and the two unnamed officers. Plaintiff did not respond to the motion.

The magistrate judge issued a report and recommendation that summary judgment be granted. Plaintiff did not object to the report and recommendation. Finding no clear error, abuse of discretion, or legal conclusions contrary to law, the court **adopts** the report and recommendation and **grants** defendants' motion for summary judgment (Doc. 31). For the reasons stated in Judge Mitchell's report and recommendation, plaintiff's claims against defendants are **dismissed with prejudice**.

So ordered by the court on May 26, 2020.



J. CAMPBELL BARKER
United States District Judge